



TEXAS JUVENILE JUSTICE DEPARTMENT

Response to the Independent Ombudsman
Fourth Quarter Report, FY 2019
November 12, 2019

The Texas Juvenile Justice Department (TJJD) has received the FY 2019 Fourth Quarter Report from the Office of the Independent Ombudsman (OIO), and appreciates this opportunity to respond.

Texas Model updates

TJJD continues to implement the Texas Model at all secure facilities after the September 1 kickoff. During the Fourth Quarter, the Texas Model implementation team was able to provide training to staff at the halfway houses, moving closer to the continuum of care expected through the Model in the long term. Each secure facility began to focus on the big “levers” to pull to bring the facility closer to full implementation. This allows the facilities to focus on singular aspects of the Texas Model to progress culturally through its changes as staff are continually trained on the full spectrum.

TJJD also focused on preparing for the next biennium. At the end of the Fourth Quarter, the TJJD board approved a contract for a new youth case management system. This system will streamline information sharing with the county juvenile probation departments, and will vastly improve TJJD’s case managing capabilities. TJJD also received final approval from the Governor, Lieutenant Governor, and the Legislative Budget Board on a new program for facility radios. The new radios and infrastructure will eliminate the areas on campus with poor reception, ensure all youth development coaches have necessary radio equipment, and will also improve administrative oversight of the radio correspondence.

Training on the tenets of the Texas Model outside of direct care staff also increased during the Fourth Quarter, as the agency prepared for the true start of Texas Model implementation of September 1, 2019. The TJJD executive management staff and Texas Model implementation team provided training for the OIO on the intervention aspects of the Model, and training for the TJJD Office of Internal Auditor and other divisions is being scheduled in the coming months.

Entry search has improved greatly over the last two quarters, as the TJJD Office of Inspector General has increased its ability to staff the gatehouses at the secure facility. Additionally, the new procedures for youth mail have continued to decrease the introduction of contraband onto our secure facilities.

Staffing at all of the secure facilities remains a top priority for the agency. As TJJD moves forward in this biennium, a targeted study on sustainable staffing levels at each facility will be conducted to prepare the agency for the upcoming legislative session in 2021.

Incident Reporting

The OIO specifically highlighted the increase in incidents at the Evins Regional Juvenile Facility from the Fourth Quarter FY 2018 to the Fourth Quarter FY 2019. Throughout FY 2019, TJJD began placing more youth at the Evins facility. The reason being simple: historically, the region around the facility has provided a larger and more stable staffing pool. With more available staffing around the Evins facility, TJJD moved more youth there because the ability to properly staff the facility, even with the additional youth, was greater than at the other facilities.

As indicated in the OIO quarterly report, the total number of incidents increased from Fourth Quarter FY 2018 to Fourth Quarter FY 2019. It is important to note that the population of the facility increased 31% during the same period. This growth in population changes not only the number of youth needing supervision but also can affect other aspects of the milieu. As a result, year-to-year data does not take into account the variety of changes that can occur during a one-year time frame. Therefore, it is helpful to explore more recent trends occurring during this time of population shift.

From the First to the Second Quarter of FY 2019, the facility saw an increase in total incident rates. Through the Third Quarter of FY 2019, the total incident rates remained fairly constant but decreased in Fourth Quarter FY 2019. The total incident rate was 2,670 in the Second Quarter, 2,704 in the Third Quarter, and 2,441 in the Fourth Quarter.

The rates of incidents requiring any type of restraint (mechanical, physical, or chemical) dropped from 526 to 497 from the Third to the Fourth Quarter. The rate for youth-on-youth assaults and unauthorized physical contact increased from the Third to Fourth Quarter FY 2019—83 to 87. However, the rate of assaults resulting in injury decreased from 21 to 13. Likewise, the rate for assaults and unauthorized contact against staff increased from 96 in the Third Quarter to 102 in the Fourth Quarter. However, the rate of assaults on staff resulting in injury decreased from 25 to 24.

TJJD is currently in the process of updating our behavior management system. Within these changes will be properly coding assaults as opposed to unauthorized contact within the larger category. The category of assault and unauthorized contact spans a wide range of actions, including making unauthorized physical contact, pushing, poking, and even knocking items out of someone's hands. *See* 37 T.A.C. § 380.9503(i)(1),(2). Splitting the actions that fall under this definition, so that there is clarity between an intent to harm another and other behaviors that may result in unauthorized physical contact, will increase the accuracy of the incident reporting by not improperly diluting the number of "assaults" with actions that are truly not assaultive. TJJD will continue to monitor all incident trends at each facility to identify issues and administer corrective actions where necessary.

TJJD appreciates the opportunity to respond and provide an update to this OIO Report.